

Exhibit B

(EXCERPTED)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOKOLOW, et al, : 04-CV-397 (GBD)
:
Plaintiffs, : February 10, 2014
:
v. : 500 Pearl Street
: New York, New York
PALESTINE LIBERATION ORGANIZATION, et al, :
:
Defendants. :
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TRANSCRIPT OF CIVIL CAUSE FOR DISCOVERY DISPUTES
BEFORE THE HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiffs: KENT YALOWITZ, ESQ.
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1 searches who has affirmed that the plaintiffs now have
2 everything. I believe that to be true. Part of the
3 difficulty here was that the materials that the plaintiffs
4 have asked for are cumulative of other materials. They're not
5 always filed in the same place. Some of them are, for
6 example, non substantive internal correspondence that were not
7 with the individual files but had to be separately located in
8 different filing systems but we're comfortable that we've now
9 done all that we can reasonably do to produce the materials
10 that have been requested.

11 Not that this matters I guess for the present
12 inquiry but just to remind the court, these materials are of
13 marginal relevance at best and in our view are going to be
14 inadmissible because they're just after the fact hearsay.

15 But, in any event, that's where we are at this
16 point, Your Honor. We don't think there's any basis for
17 sanctions and we believe the plaintiffs have now got all of
18 the stuff that the client has.

19 THE COURT: And when you say that there were -- there
20 are 32 documents that could not be located despite the renewed
21 search, are you referring to old documents or is that
22 something else?

23 MR. HILL: Well, we think they're mostly old
24 documents, Your Honor, but it's a little hard to tell. The
25 documents themselves reference reports. It's our

1 understanding, and the declaration confirms this, that many of
2 these reports were oral. So we're in a little bit of a black
3 box there but the client's understanding is that the missing
4 material is for the most part oral reports or if there were
5 documents they're cumulative of what the plaintiffs already
6 have.

7 THE COURT: Okay. And who performed the search?

8 MR. HILL: Your Honor, Mr. Yaman who's the director
9 of operations at GIS who's the declarant oversaw the search on
10 behalf of GIS and instructed his subordinates both of the
11 Ramala headquarters and at the relevant regional offices to
12 perform the searches.

13 THE COURT: All right. As to this issue, I'm going
14 to review everything that's been submitted. If I need
15 additional information as to whether or not it's appropriate
16 to -- again, understand that some of the things that the
17 plaintiffs want really I'd have to recommend them to Judge
18 Daniels because they have to do with evidentiary findings and
19 jury instructions and inclusion of defenses which obviously
20 could have some profound dispositive results. I will be
21 discussing that with him after I've reviewed everything and
22 make a determination as to whether I want any additional
23 information but I don't think briefing is going to be the
24 issue.

25 I understand that the plaintiffs have pointed out

1 deficiencies in the defendant's production and I've already
2 indicated that it was my belief that defendants had not
3 complied in a timely manner with the court's order. As to
4 what's going to be an appropriate remedy for that I think as I
5 said to the extent that it involves how Judge Daniels conducts
6 his trial I will have to have further conversations with him.

7 As to --

8 MR. HILL: Thank you, Your Honor.

9 THE COURT: As to defendant's motion for
10 reconsideration, while it is true that Judge Daniels has been
11 referring significant parts of the pretrial to me obviously
12 the motion for reconsideration involves a dispositive order
13 and therefore -- maybe the defendants can refresh my
14 recollection. This was an order by Judge Daniels, wasn't it?

15 MS. FERGUSON: Correct, Your Honor. It was
16 [inaudible] order.

17 THE COURT: Right. And since -- I think in some
18 respects given the way things have gone I can't fault you for
19 bringing it to me in the first instance. However, as you
20 might imagine part of the problem with a motion for
21 reconsideration is that you have to know what it is that the
22 judge considered and what the judge considered material in its
23 consideration. Notwithstanding that you're talking about a
24 Supreme Court decision I think in the first instance the
25 person who can determine whether or not there is new matter